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Via PDF / E-Mail

September 15, 2014

Mr. Greg Hedger
Corporate Director - EHS
Thermo Fluids, Inc.
8925 E. Pima Center Parkway, Ste. 105
Scottsdale, AZ 85258

Re: PCB Contamination Event

Dear Mr. Hedger:

We are writing on behalf of our client, JBT Corporation, as a follow-up to your recent communications regarding the above-referenced event. You have indicated that Thermo Fluids is arranging to dispose of an unknown quantity of waste materials containing low levels of PCBs at the Clean Harbors facility in Aragonite, Utah. We assume Clean Harbors would dispose of those materials by incineration, which may not be the most cost-effective disposal option.

We understand that the materials to be disposed of are presently contained in a 70,000 gallon tank at Thermo Fluids' Salt Lake City facility. Thermo Fluids notified JBT that the contents of that tank were contaminated by 350 gallons of oil containing 49 ppm of PBC 1016 that it transported from JBT's Ogden, Utah plant. We just received the results of a sample we had analyzed and they are consistent with Thermo Fluids' findings. As such, both results confirm the material is below the 50 ppm TSCA regulatory threshold.

Our calculations indicate that, if the 70,000 gallon tank was even half full, the resulting PCB concentration of the contents of the tank would be less than 0.5 ppm. We question whether incineration is the most cost effective means of disposing materials containing such low levels of PCBs, and insist that other disposal alternatives be explored to ensure Thermo Fluids mitigates its potential damages it allegedly has or may incur in connection with this incident. Please contact immediately Mr. Jason Dingle, JBT's Corporate Director of Environmental, Health, Safety and Security, to discuss options for disposing these materials, as well as responses to our inquiries below. He can be reached at (419)-626-4006 and jason.dingle@jbt.com.

In order to begin our evaluation of Thermo Fluids' claim, please provide me the following information:

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(a) a detailed description of how JBT's material was handled, from its pickup at JBT's facility to its offload at Thermo Fluids' facility, including, (i) a description of Thermo Fluids' initial testing of and the test results for JBT's material prior to or at the time it was picked up, (ii) the size and identification number of the tanker that picked up the material and when it was last cleaned and flushed prior to that pickup, (iii) the sources and nature of other waste materials that may have been commingled with JBT's materials in that tanker and the initial test results of any such commingled materials, and (iv) the identification of the Thermo Fluids tank into which JBT's materials were offloaded and the pre-offload analysis of the contents of that tank;

(b) the quantity and complete analytical results of the waste material currently contained in that tank;

(c) the quantity and analytical results of any materials that may have been added to that tank after the offload of JBT's material;

(d) a detailed description of exactly how Thermo Fluids discovered this incident and steps it took to mitigate its damages following that discovery;

(e) a description of any other alleged impacts this incident may have had on Thermo Fluids' operations; and

(f) an explanation of the thirty (30) day limitation on Thermo Fluids' storage of the subject materials you have referred to.

Your prompt response to this letter would be appreciated.

Very truly yours,

DYKEMA GOSSETT PLLC



Mark D. Jacobs

cc: James L. Marvin
Ed Weil
Jason D. Dingle